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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JUN 19 1991

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Application of

RAINBOW BROADCASTING COMPANY

For Extension of  
Construction Permit

WRBW

File No. BMPCT-910125KE

TO: Roy J. Stewart, Chief  
Mass Media Bureau

DOCKET FILE COPY ORIGINAL

MOTION FOR LEAVE TO FILE  
SUPPLEMENT TO PETITION FOR RECONSIDERATION

1. Press Television Corporation ("Press") hereby moves for leave to file a Supplement to its "Petition for Reconsideration". Press' Supplement is being submitted simultaneously herewith.

2. Press' Petition was filed in February, 1991, with respect to the grant of the above-captioned application of Rainbow Broadcasting Company ("Rainbow") for extension of its construction permit for Channel 65 in Orlando, Florida. Both in Press' Petition (throughout the Appendix thereto) and in Rainbow's Opposition (at, e.g., 4, 5), reference was made to a civil lawsuit which Rainbow had brought in Florida with respect to the tower site which Press proposed in its application. The central thrust of Press' Petition was not only that had Rainbow? failed to satisfy the Commission's requirements for a permit extension, but also that Rainbow's representations to the court in its civil lawsuit demonstrated conclusively that Rainbow could not have satisfied those requirement. Press also noted that Rainbow's representations in the suit at a minimum gave rise to substantial and material questions concerning Rainbow's basic qualifications to remain a permittee.

3. On June 6, 1991, Judge Stanley Marcus -- the United States District Judge who heard Rainbow's civil suit -- issued his opinion in the case.<sup>1/</sup> The purpose of Press' Supplement is to call the Commission's attention to this development and to provide the Commission with a copy of Judge Marcus' decision. Acceptance of this Supplement is clearly warranted: both Rainbow and Press have referred repeatedly to the pendency of the lawsuit, and Judge Marcus' opinion addresses a number of points which concern the merits of Press' Petition and the merits (or, more accurately, lack thereof) of Rainbow's application. Thus, Judge Marcus' disposition of the suit is obviously relevant to the disposition of Press' Petition here. And, since Judge Marcus' opinion was released less than two weeks ago, it is clear that Press could not have submitted it at any earlier date.

WHEREFORE, for the reasons stated, Press Television Corporation moves for leave to file the Supplement, submitted simultaneously herewith, to its Petition for Reconsideration.

Respectfully submitted,

  
/s/ Harry F. Cole  
Harry F. Cole

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Counsel for Press Television  
Corporation

June 19, 1991

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<sup>1/</sup> As is discussed in detail in Press' Supplement, and as is apparent from even a casual review of Judge Marcus' opinion, Judge Marcus rejected all of Rainbow's factual and legal claims in their entirety.

CERTIFICATE OF SERVICE

I, Harry F. Cole, hereby certify that on this 19th day of June, 1991, I have caused copies of the foregoing "Motion for Leave to File Supplement to Petition for Reconsideration" to be placed in the United States mail, first class postage prepaid, addressed to the following individuals:

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/s/ Harry F. Cole  
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